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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,611	08/01/2003	Craig E. Hamer	58008US002	4768
32692	7590	09/08/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,611

Applicant(s)

HAMER ET AL.

Examiner

Hemant M Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-9, 11, 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Steck et al. (Re. 33467).

Steck et al. disclose a method of creating pouches from a continuously moving elongated sealable web, the web including opposed sheets each having first and second side edges (see col. 3, lines 55-60), the method comprising the steps of longitudinally sealing the web along at least one side edge (see col. 6, lines 121-23), providing first and second jaw carrying members (50, 70, fig. 1) defining a sealing path therebetween, the jaw carrying members (50, 70) including a plurality of cooperating pairs of mating jaws (30, 60, fig. 1) traveling at substantially the same velocity as the web along the sealing path, wherein at least one of the jaw carrying members comprises a flexible non-circular conveyor (124, fig. 3), and forming a plurality of transverse seals (see fig. 2) in the web as the web travels along the sealing path by clamping the web between a pair of mating jaws and bonding the sheets by heating the web, which meets all the claimed limitations.

Regarding claims 2 and 21, at least one of the conveyors is flexible (since conveyor comprises flexible chains-124, fig. 3) and has a non-circular (elliptical) path of travel.

Regarding claims 3 and 22, each conveyor includes a plurality of jaws (30, 60).

Regarding claim 4, at least two pairs of mating jaws (30, 60) engage the web along the sealing path simultaneously.

Regarding claims 5 and 25, the web includes a heat sealable layer, and heat is applied to the web along at least a portion of the sealing path.

Regarding claim 6, the sealing path is planar.

Regarding claim 8, Steck et al. disclose the step of filling a partially formed pouch after formation of the longitudinal seal and at least one transverse seal forming the bottom of the pouch (see col. 5, lines 45-55).

Regarding claim 9, the pouch is filled with liquid.

Regarding claims 11 and 13, the web is thermoplastic web (see col. 3, lines 55-60).

Regarding claims 14 and 15, the web comprises two individual sheets of material or the web comprises a single folded sheet of material (see col. 3, lines 55-60).

Regarding claim 16, the web travels at a generally constant velocity.

Regarding claim 17, a pouch is made (210, fig. 2).

Regarding claim 18, the jaw carrying members comprise drums (sprockets 14, figs. 2-3) carrying a plurality of jaws (30, 60).

Regarding claim 19, Steck et al., as mentioned above, disclose all the limitations of claim 19

Regarding claim 20, Steck et al. disclose an apparatus for creating pouches from a continuously moving elongate sealable web, comprising a first sealing station arranged to form a longitudinal seal along at least one side edge of the web thereby to seal said edge (see col. 6, lines 20-23, see fig. 1), and a second sealing station (12, fig. 1) arranged to form a plurality of transverse seals in the web, the second sealing station including opposed conveyors (50, 70, fig. 1) defining a sealing path between the conveyors, the conveyors including at least one pair of cooperating mating jaws (30, 60, fig. 1) arranged to engage opposite side surfaces of the web along the sealing path.

Regarding claim 26, Steck et al. as mentioned above, disclose an apparatus for producing a transverse seal in a web, comprising a pair of opposed conveyors (50, 70) defining a sealing path between the conveyors, the conveyors including at least one pair of cooperating mating jaws (30, 60) arranged to engage opposite side surfaces of the web along the sealing path.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steck et al. (Re. 33467).

Steck et., as mentioned above, disclose all the claimed limitations, except for an arcuate sealing path. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide arcuate sealing path because Applicant has not disclosed that the arcuate sealing path provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the planar sealing path taught by Steck et al. or the claimed arcuate sealing path because both sealing paths perform the same function of sealing the two webs transversely. Therefore, It would have been an obvious matter of design choice to modify Steck et al. to obtain the invention as specified in claim 7.

Regarding claim 10, Steck et., as mentioned above, disclose all the claimed limitations, except for a liquid filled in the pouch is a reactive monomer mixture. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to fill the pouch with the reactive monomer mixture liquid because Applicant has not disclosed that the reactive monomer mixture liquid provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the liquid taught by Steck et al. or the claimed monomer mixture liquid because both liquids can be filled in the pouch. Therefore, It would have been an obvious matter of design choice to modify Steck et al. to obtain the invention as specified in claim 10.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steck et al. in view of Rado (3001348).

Steck et al., as mentioned above, disclose all the claimed limitations, except for an impulse heat sealing. However, Rado teaches a continuous transverse impulse heat sealing (see fig. 1) of the thermoplastic pouches so that the application of direct heat would not cause risk of rupture of the tube (see col. 2, lines 39-45). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the induction sealing of thermoplastic pouches of Steck et al. with the impulse heat-sealing of Rado so that the application of direct heat would not cause risk of rupture of the tube.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

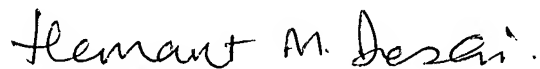
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Hemant M Desai
Examiner
Art Unit 3721

HMD